

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 948**

Introduced by Karpisek, 32; Carlson, 38; Dubas, 34; Rogert, 16;  
Stuthman, 22; Wallman, 30.

Read first time January 14, 2008

Committee: Business and Labor

A BILL

- 1 FOR AN ACT relating to volunteer emergency responders; to adopt the
- 2 Volunteer Emergency Responders Job Protection Act.
- 3 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 8 of this act shall be known and  
2 may be cited as the Volunteer Emergency Responders Job Protection  
3 Act.

4           Sec. 2. No employer shall terminate or take any other  
5 disciplinary action against any employee who is a volunteer  
6 emergency responder if such employee, when acting as a volunteer  
7 emergency responder, is absent from or reports late to his or her  
8 place of employment in order to respond to an emergency during or  
9 prior to the time such employee is to report to his or her place  
10 of employment.

11           Sec. 3. An employer may subtract from an employee's  
12 earned wages any time such employee, acting as a volunteer  
13 emergency responder, is away from his or her place of employment  
14 because of such employee's response to an emergency.

15           Sec. 4. An employee acting as a volunteer emergency  
16 responder shall make a reasonable effort to notify his or her  
17 employer that he or she may be absent from or report late to his or  
18 her place of employment in order to respond to an emergency.

19           Sec. 5. At an employer's request, an employee, acting  
20 as a volunteer emergency responder, who is absent from or reports  
21 late to his or her place of employment in order to respond to  
22 an emergency shall provide his or her employer, within seven days  
23 of such request, a written statement signed by the individual in  
24 charge of the volunteer department or another individual authorized  
25 to act for such individual that includes the following: The fact

1 that the employee responded to an emergency; the date and time of  
2 the emergency; and the date and time such employee completed his or  
3 her volunteer emergency activities.

4           Sec. 6. Prior to seeking protection pursuant to the  
5 Volunteer Emergency Responders Job Protection Act, an employee  
6 acting as a volunteer emergency responder shall provide his or  
7 her employer with a written statement signed by the individual in  
8 charge of the volunteer department or another individual authorized  
9 to act for such individual notifying such employer that the  
10 employee serves as a volunteer emergency responder. An employee  
11 who is or who has served as a volunteer emergency responder  
12 shall notify his or her employer when such employee's status as  
13 a volunteer emergency responder changes, including termination of  
14 such status.

15           Sec. 7. An employee who is terminated or against whom  
16 any disciplinary action is taken in violation of the Volunteer  
17 Emergency Responders Job Protection Act shall be immediately  
18 reinstated to his or her former position, if wrongfully terminated,  
19 without reduction of wages, seniority, or other benefits and shall  
20 receive any lost wages or other benefits, if applicable, during  
21 any period for which such termination or other disciplinary action  
22 was in effect. An action to enforce the act may be brought by the  
23 employee to recover any lost wages or other benefits, including  
24 court costs and reasonable attorney's fees. An action to enforce  
25 the act shall be commenced within one year after the date of

1 violation and shall be brought in the district court of the county  
2 in which the place of employment is located.

3           Sec. 8. For purposes of the Volunteer Emergency  
4 Responders Job Protection Act, volunteer emergency responder means  
5 a person who has been approved by a governing body in Nebraska  
6 to serve any volunteer fire department or volunteer first-aid,  
7 rescue, ambulance, or emergency squad, or volunteer fire company,  
8 association, or organization serving any city, village, or rural  
9 or suburban fire protection district by providing fire protection  
10 or emergency response services for the purpose of protecting life,  
11 health, or property.